OVERVIEW

The Children's Protective Services Maltreatment in Care unit (CPS-MIC) ensures the safety and well-being of children under the care and supervision of the Michigan Department of Health and Human Services (MDHHS). The CPS-MIC unit investigates alleged abuse/neglect involving:

- Licensed foster homes.
- Licensed or unlicensed relative placements.
- Independent living settings.
- Child caring institutions (CCIs).
- Child care licensed programs (CCLPs).
- Children under court jurisdiction returned to the parental home.

DEFINITIONS

Child Care Organization

A government or nongovernment organization having as its principal function receiving minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Child care organization includes organizations commonly described as child caring institutions, child placing agencies, children's camps, children's campsites, children's therapeutic group homes, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or child care homes. Child care organization does not include a governmental or nongovernmental organization that does either of the following:

- Provides care exclusively to minors who have been emancipated by court order under section 4(3) of 1968 PA 293, MCL 722.4.
- Provides care exclusively to persons who are 18 years of age or older and to minors who have been emancipated by court order under section 4(3) of 1968 PA 293, MCL 722.4, at the same location.

Child Care Licensed Program (CCLP)

A child care program designed to provide care and supervision for children in licensed facilities including family child care homes, group child care homes and child care centers.

Child Caring Institution (CCI)

A child care facility organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home. Child caring institution also includes an institution for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include hospital, nursing home, or home for the aged or an adult foster care family home or an adult foster care small group home.

Severe Physical Injury

Severe physical injury also means serious physical harm. Any physical injury to a child that seriously impairs the child's health or physical well-being, including, but no limited to, brain damage, a skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprain, internal injury, poisoning, burn or scald, or severe cut. An injury that requires medical treatment or hospitalization.

INTAKE

The Intake Decision Table for Investigation of Child Abuse and Neglect in Child Care Organizations/Relative Care specifies the responsibilities of CPS and the CPS-MIC unit for investigation of child abuse/neglect.

INTAKE DECISION TABLE FOR CPS AND CPS-MIC INVESTIGATIONS			
Facility/Placement Type		Responsible Unit - Department	
Licensed foster home or licensed/unlicensed relative caregiver when allegations involve:	CPS	CPS- MIC	
A foster parent or relative caregiver, and the alleged child victim is in foster care residing in the foster home or relative placement.		X	
A foster parent or relative caregiver, biological/adoptive children, and children in foster care residing in the foster home or relative placement, regardless of which child(ren) in the home is/are the alleged victim.		Х	
A legal parent, and the child victim is in foster care, regardless of placement type.		Х	
A foster parent, and the alleged child victim has returned to the parent's care.		Х	
A foster parent with biological/adoptive children and there are/were no foster children placed in home at the time of the alleged abuse/neglect.	Х		

INTAKE DECISION TABLE FOR CPS AND CPS-MIC INVESTIGATIONS			
Facility/Placement Type		Responsible Unit - Department	
Legal parents (including in-home placement or following return home from foster care with court jurisdiction), when allegations involve:	CPS	CPS- MIC	
A child in their care, under in-home court jurisdiction who does not have an open foster care case.	X		
A child in their care, not under court jurisdiction.	Х		
A child in their care who has returned home from foster care and the court maintains jurisdiction.		X	
Alleged abuse or neglect occurred prior to their child going into out of home care.	Х		
Adding a non-respondent parent to active court cases.	Х		
A child goes from one parent directly to another parent (no out of home placement)	Х		

INTAKE DECISION TABLE FOR CPS AND CPS-MIC INVESTIGATIONS			
Facility/Placement Type		Responsible Unit - Department	
CCIs (such as, detention centers, youth homes, shelter homes, residential care facilities (long- and short-term), halfway homes, court operated facilities) when allegations involve:	CPS	CPS- MIC	
An employee of a CCI and an alleged child victim residing in a CCI.		Х	
A legal parent and an alleged child victim under MDHHS supervision; for example, allegations occurred during visit.		X	
An employee or volunteer of a CCI and an alleged child victim who was returned home to a parent's care, if the abuse or neglect was alleged to have occurred during the child's placement in the CCI.		Х	
A licensed provider or an employee of a CCI and the alleged victim is the alleged perpetrator's own child.	Х		
An employee or volunteer of a CCI and a child placed in the CCI who is not under supervision of MDHHS.		Х	

INTAKE DECISION TABLE FOR CPS AND CPS-MIC INVESTIGATIONS		
Facility/Placement Type	Responsible Unit - Department	
CCLPs (referrals involving children, regardless of court jurisdiction) when allegations involve:	CPS	CPS- MIC
A child in a licensed facility.		X
A legal parent, licensed to operate a child care facility, and the alleged victim is their biological/adopted child.	Х	
Unlicensed facilities.	N/A	N/A

INTAKE DECISION TABLE FOR CPS AND CPS-MIC INVESTIGATIONS		
Facility/Placement Type	Responsible Unit - Department	
Licensed camp facility, when allegations involve:	CPS	CPS- MIC
Children at a licensed camp facility.		Х
A legal parent at a licensed camp facility, and the victim is the alleged perpetrator's own child.	Х	

Multiple Families in Same Household

When multiple families reside in a home, CPS-MIC is responsible for the investigation if one family meets CPS-MIC criteria for assignment; see *Intake Decision Table for CPS and CPS-MIC Investigations* in this policy.

Preliminary Investigation

Certain situations require a preliminary investigation be completed; see <u>PSM 712-5</u>, <u>CPS Intake - Overview</u>.

The preliminary investigation must include attempted contact with the following, where applicable:

- The assigned foster care caseworker.
- The foster home certification caseworker.
- The Division of Child Welfare Licensing (DCWL) consultant.
- The Bureau of Community and Health Systems (BCHS) consultant within Licensing and Regulatory Affairs (LARA).

Transferred Referrals

When a referral involving a child under the care and supervision of MDHHS does not meet criteria for assignment for investigation by CPS-MIC or CPS, Centralized Intake (CI) must transfer the referral to the Placement Collaboration Unit and the appropriate agency for

investigation and/or follow up. Transfer the referral to one of the following within 24 hours, dependent upon the type of entity subject to the referral:

- MDHHS DCWL.
- Michigan Department of LARA.
- Law enforcement and prosecuting attorney.
- American Indian tribal unit.
- MDHHS and contracted private agency caseworkers and supervisor assigned to the child(ren) involved in the referral.
- MDHHS and the contracted private agency licensing workers and supervisor assigned to the provider.

Division of Child Welfare Licensing

CI must notify DCWL of referrals involving:

- Licensed foster homes.
- Licensed relative foster care placements.
- CCIs.
- Court operated facilities (COFs).
- Child placing agencies (CPAs).
- Children in foster care who were in any setting other than a parental home or daycare when the alleged maltreatment occurred.

Information on referral participants and allegations must be sent to DCWL. Contact information for the DCWL area managers can be found on the <u>Child Welfare Licensing Division Contact Information</u> page.

Licensing and Regulatory Affairs

CI must notify LARA and email referral information to the BCHS Children and Adult Licensing Complaint Mailbox for referrals involving:

- Children's camps.
- Child care centers.
- Licensed family and group childcare homes.
- Adult foster care homes.

- Homes for the aged.
- Child care programs not required to be licensed such as:
 - Parent programs with parents and children on-site.
 - Indian tribal programs.
 - •• Enrolled day care aids and unlicensed providers through the Child Development and Care program.

The CI caseworker must also complete and send the law enforcement referral form (commonly referred to as the law enforcement notification, LEN), located within the electronic case management system to the appropriate law enforcement jurisdiction when the referral involves a child care program not required to be licensed.

CI must notify LARA and email referral information to the <u>Bureau of Community Health Systems Health Facility Complaint Mailbox</u> for referrals involving:

- Hospitals.
- State psychiatric facilities.
- Nursing homes.

Law Enforcement and Prosecuting Attorney

Law enforcement agencies are solely responsible for investigating child abuse/neglect alleged to have occurred in the following settings:

- Schools (both public and private), including boarding schools.
- Incidental out-of-home or in-home child care (baby-sitting).
- Mental health facilities not subject to PA 116.
- Family and group child care homes and child care centers operating without a license/registration.

CI must transfer referrals for these entities and refer to the local law enforcement agency/prosecuting attorney using the law enforcement referral form (commonly referred to as LEN) located within the electronic case management system.

Note: Referrals involving teachers residing in a facility may also need to be transferred to LARA.

Intake Decision Notification

For referrals involving children with an open CPS, foster care, or adoption program type in the electronic case management system, CI must notify the following of the intake decision via email, as applicable:

- All active assigned CPS, foster care, and adoption caseworkers and supervisors.
- MDHHS purchase of service (POS) monitor and supervisor.
- The Michigan Children's Institute (MCI) superintendent if the child is an MCI ward.
- DCWL, except when the alleged maltreatment occurred when the child was placed with a parent.
- West Michigan Partnership for Children (WMPC), for cases in Kent County.
- Active assigned licensing specialist and supervisor if the referral involves a licensed or enrolled foster home.

The notification must include:

- Intake ID.
- Case Name.
- Allegations.
- Intake decision.
- Intake decision comments.

The intake decision notification must identify the receiving agency to which the referral was assigned or transferred.

County of Assignment

CPS-MIC investigations are assigned to the county where the alleged CA/N occurred regardless of the victims' current residence.

Referrals received after-hours are assigned to the county where the alleged child victim is located to ensure contact is made within the designated priority response timeframe.

COORDINATION OF CONCURRENT INVESTIGATIONS

Instances exist in which separate but coordinated investigations need to be completed concurrently, dependent upon the circumstances of the referral. CPS-MIC may be coordinating investigations with the following:

- DCWL/LARA for compliance with PA 116 and applicable licensing rules for the type of agency/facility involved.
- MDHHS or private agency foster home certification staff for special investigations or home studies on licensed or enrolled foster homes.
- Foster care (MDHHS and/or private agency) for appropriateness of child placement.
- Law enforcement for criminal allegations.

Prison Rape Elimination Act (PREA)

There may be instances when a juvenile justice facility will conduct an investigation under the Prison Rape Elimination Act (PREA), for which there is also CPS-MIC involvement. To support compliance with 28 CFR 115.371, both the facility and CPS-MIC may coordinate investigations and the facility may request and receive copies of redacted CPS investigation reports. (P.L. 108-79)

Foster Care and Unlicensed Relative Home Investigations

Required Contacts

As soon as possible, but no later than the business day after receipt of the CPS referral, the CPS-MIC caseworker must make contact with the following for the alleged child victim(s):

 The assigned foster care caseworker and supervisor. In cases being managed by a private agency, the private agency caseworker and supervisor and the MDHHS monitoring caseworker and supervisor must be contacted.

- The MDHHS county director.
- The MCI superintendent, if applicable.
- The assigned MDHHS and/or private agency licensing/certification caseworker.
- An Indian child's tribe, if applicable.

Notification must indicate that a referral has been received and that CPS-MIC is investigating.

Whenever applicable and feasible, the licensing worker and CPS-MIC must coordinate investigations.

Face-to-Face Contact with Children

CPS-MIC caseworkers must make face-to-face contact with all alleged child victims within designated timeframes (24 or 72 hours), as determined by the priority response criteria; see PSM 712-4, Intake - Minimal Priority Response Criteria.

When necessary, CPS-MIC caseworkers should also contact other children who may have witnessed or been exposed to the alleged child abuse or neglect.

The <u>DHS Pub 779</u>, <u>Forensic Interviewing Protocol</u>, <u>DHS Pub 779</u>, Forensic Interviewing Protocol_should be used to interview all children who are developmentally capable to be interviewed.

Case Assessments

Safety assessments are required for all investigations involving licensed foster homes and unlicensed relative caregivers.

Risk assessments are not required on a licensed foster parent/unlicensed relative unless the licensed foster parent is an alleged perpetrator of child abuse/neglect on their own children.

Case Closure

CPS-MIC caseworkers may request case closure when any of the following criteria are met:

 The allegations are not confirmed by a preponderance of evidence.

- The identified perpetrator is no longer in the home and has no access to the children.
- The foster child(ren) is/are removed from the home.

The CPS-MIC caseworker must clearly explain the basis for case closure in the disposition.

Child Caring Institutions (CCIs)

Required Contacts

The CPS-MIC caseworker must notify DCWL as soon as possible, but no later than 24 hours after the referral is received, for all assigned referrals in a CCI. See *DCWL section* in this policy for information on filing a referral.

The CPS-MIC caseworker must notify the following as soon as possible, but no later than the next business day after receipt of the referral:

- The assigned foster care caseworker and/or MDHHS monitoring caseworker (if applicable).
- The county director if the child is a court ward.
- The MCI superintendent (if applicable).
- The Indian child's tribe (if applicable).

The caseworker must indicate in the notification that a child abuse/neglect referral was received and is being investigated.

During the investigation, the CPS-MIC caseworker must have contact with the CCI administrator or licensee designee at both of the following points:

- Prior to contact with the alleged child victim.
- Prior to completion of the investigation.

Face-to-Face Contact

CPS-MIC caseworkers must make face-to-face contact with all alleged child victims within designated timeframes (24 or 72 hours), as determined by the priority response criteria; see PSM 712-4, Intake - Minimal Priority Response Criteria.

CPS-MIC caseworkers should also contact other children who may have witnessed or been exposed to the alleged child abuse or neglect.

The <u>DHS Pub 779</u>, <u>Forensic Interviewing Protocol</u>, should be used to interview all children who are developmentally capable to be interviewed.

Case Assessments

The following are not required for CCI investigations:

- Safety Assessments.
- Risk Assessments.

Case Closure

CPS-MIC investigations involving a CCI may be closed without opening an ongoing case. Prior to case closure, the CPS-MIC caseworker must make appropriate referrals for services or consult with the active foster care caseworker to notify of any service needs for the child victim.

Child Care Licensed Program (CCLP) and Camp Investigations

Notification to Bureau of Community and Health Systems (BCHS)

When a referral is received alleging child abuse/neglect at a CCLP or camp and is assigned, the CPS-MIC caseworker must notify BCHS as soon as possible, but no later than 24 hours after the referral is received. Referrals may be submitted online on the BCHS website or by phone at 866-865-0126.

High Risk Investigation

MCL 722.113f (6) defines a high-risk investigation as involving one or more of the following:

- CA/N is the suspected cause of a child's death.
- Suspected sexual abuse or sexual exploitation.
- CA/N resulting in severe physical injury.

During a high-risk investigation, the CPS-MIC caseworker must inform the CCLP or camp of their requirement to notify parents of all children at the CCLP or camp. The CPS-MIC caseworker may inform the CCLP or camp through any of the following means:

- Providing verbal direction regarding the steps required to inform parents including verbal and written notification.
- Providing the DHS-216, High Risk PA 116, Special Investigations Instructions for Notifying Parents, and/or the DHS 217, Notification to Parents of a High-Risk PA 116 Special Investigation.

The CPS-MIC caseworker must document that the notification to the CCLP or camp occurred, as well as the method of delivery (verbal or provision of form) within a social work contact.

Face-to-Face Contact

CPS-MIC caseworkers must make face-to-face contact with all alleged child victims within designated timeframes (24 or 72 hours), as determined by the priority response criteria; see PSM 712-4, Intake - Minimal Priority Response Criteria.

CPS-MIC caseworkers may also contact other children who may have witnessed or been exposed to the alleged child abuse or neglect.

The <u>DHS Pub 779</u>, <u>Forensic Interviewing Protocol</u>, should be used to interview all age and developmentally appropriate children.

Case Assessments

Safety assessments and risk assessments are not required if the victim is a not their own child.

Safety assessments and risk assessments are required if the licensed provider is also a perpetrator of child abuse/neglect on their own child (biological or adoptive).

Case Closure

CPS-MIC investigations involving a CCLP, or camp may be closed without opening an ongoing case. Prior to case closure, the CPS-MIC caseworker must make appropriate referrals for services or consult with the active foster care caseworker to notify of any needs for ongoing services for the child victim.

CPS-MIC caseworkers may request case closure when any of the following criteria are met:

- The allegations are not confirmed by a preponderance of evidence.
- There are no children other than biological/adoptive children of the perpetrator remaining in the facility.
- The identified perpetrator(s) is no longer in the facility and has no access to children.

The CPS-MIC caseworker must clearly indicate in the disposition the reason the case is being closed and why services are not being provided.

CCI/CCLP/Camp Referrals Regarding an Employee's Child(ren)

If, during a CPS-MIC investigation of a CCI, CCLP, or camp, there are concerns regarding child abuse/neglect to biological/adoptive children of an employee, a new referral must be called into CI. CI must complete a separate referral for the household at the address where the alleged perpetrator and children reside. The CPS-MIC investigator must also document concerns regarding the biological/adoptive children within a social work contact.

If assigned, the referral will be investigated by the local CPS unless the family residence meets the requirements for CPS-MIC assignment. The CPS-MIC and CPS caseworkers should coordinate investigations whenever possible.

The results of assignment and/or disposition of a CPS investigation on a licensed/registered child care home or an employee of a child care facility regarding abuse/neglect of their own children *cannot* be shared with their employer.

REQUIREMENTS FOR ALL CPS-MIC INVESTIGATIONS

CPS-MIC caseworkers are required to follow the procedures established for all CA/N investigations as outlined in the Protective Services Manuals (PSM).

CPS-MIC caseworkers must assess safety throughout the investigation. Safety plans must be documented in social work contacts. If in writing, the safety plan should be uploaded to the document tab of the investigation in the electronic case management system.

In any investigation involving a child currently in foster care, if CPS-MIC determines that the child is unsafe and no provision of service can safeguard the child in the home, foster care must be contacted to assist with replacement. Whenever possible, the foster care caseworker should handle the replacement.

If it is determined that replacement must occur after-hours, the assigned foster care caseworker must be notified of the removal within 24 hours or the next business day.

Notifying Parents

All parents or legal guardians must be notified of CPS-MIC investigations involving their children by the caseworker, as soon as possible. Caseworkers must be mindful of case confidentiality of other parties to the case when notifying parents. For information on confidentiality see SRM 131, Confidentiality.

Face-to-face contact with parents or guardians is required in the following situations:

- When the parent or guardian is residing in the home where the alleged CA/N occurred.
- When the parent or guardian is identified as an alleged perpetrator.
- When there is indication that the parent or guardian is a witness to the alleged CA/N or is otherwise able to provide details regarding the incident.

In situations where face-to-face contact is not required, or documented efforts are unsuccessful, a caseworker must still contact the parent or guardian by phone to obtain information and discuss pertinent details of the investigation.

In instances where parents or guardians are unable to be located or attempts to contact have been unsuccessful, the parent or guardian should be notified by letter of the investigation. The letter should be sent to the most recent address.

Medical Exams

A CPS-MIC caseworker may request that the foster parent or relative provider take a child for an emergent medical exam to assess potential child injury (MCL 722.124a(1)).

For more information on medical exams, see PSM 713-04, Medical Examination and Assessment.

During a CPS-MIC investigation, the CPS-MIC caseworker should serve as the lead for medical examination steps including:

- Securing and arranging medical examinations.
- Communicating with medical professionals regarding need for the examination and results, need for treatment, etc.
- Obtaining medical examination records and documents pertinent to the investigation.

Interviewing Child Witnesses

CPS-MIC must always receive permission from the parent/guardian before the caseworker can interview a non-ward child who may have been a witness; see PSM 713-01, CPS Investigation-General Instructions and Checklist, General Instructions.

Note: If a child is already a court ward and the allegations are against the placement, parental permission is not required to interview non-victims.

Central Registry

A confirmed MIC case for serious abuse, serious neglect, sexual abuse, sexual exploitation or methamphetamine production requires the perpetrator's name to be placed on central registry.

Individuals whose names are added to central registry must be properly notified through use of the DHS 847, Notice of Placement on Central Registry. Individuals who are determined to be perpetrators of child abuse or child neglect but for whom maltreatment type finding does not meet central registry requirements, must be properly notified using the DHS 847c, Notice of a Confirmed Case.

For more information on Central Registry, <u>PSM 713-13</u>, <u>Central</u> Registry and Confirmed Perpetrator Notification.

Dispositional Conference

Prior to disposition of the investigation, the CPS-MIC caseworker must coordinate a dispositional case conference with the following individuals:

- The assigned CPS-MIC supervisor.
- Each MDHHS and private agency foster care (PAFC)
 caseworker and supervisor active at the time of the referral,
 including the MDHHS purchase of service (POS) monitor and
 supervisor, if applicable.
- Licensing certification caseworker.
- DCWL/BCHS licensing consultant, for referrals involving a CCI, CCLP, COF, camp, or other facility.
- MCI consultant or superintendent.
- Adoption caseworker and supervisor, if applicable.
- The Indian child's tribe, if applicable.

The purpose of the conference is to formulate action steps to be taken and determine the person responsible for implementing action to maintain safety, permanency, and child/family well-being. The action steps discussed are to be documented in the investigative report within a social work contact. The documentation must identify who is responsible for completion of each action step. If services are needed for the child or family, CPS-MIC must discuss this during the dispositional conference, and document it within the social work contact.

Hold the case conference in person or by phone.

Report Sharing

The CPS-MIC caseworker must ensure that within five business days of supervisory approval, an appropriately redacted copy of the DHS-154, CPS Investigative Report, is forwarded to:

- DCWL/BCHS consultant and supervisor.
- MDHHS and/or PAFC licensing consultant and supervisor.
- MDHHS or PAFC supervisor(s) assigned to the foster care case(s).
- MDHHS or private agency adoption supervisor(s) assigned to the adoption case(s).
- The Indian child's tribe, if applicable.

For proper redaction, see <u>SRM 131, Confidentiality</u>.

The CPS-MIC caseworker should also request a copy of reports from any coordinating agency, such as law enforcement and DCWL. All reports obtained should be scanned and uploaded to the electronic case management system in the documents tab.

NEW REFERRALS
ON LEGAL
PARENTS WITH
COURT
JURISDICTION

The CPS-MIC caseworker must file a supplemental petition when a child is under court jurisdiction and an investigation results in substantiation of additional child abuse/neglect if the perpetrator of the abuse/neglect is a parent or other person with legal right to reunification. The supplemental petition should be filed with the court who has jurisdiction. (MCL 712A.19(1)).

The CPS-MIC caseworker must also collaborate with the local MDHHS county director and the assigned public or private foster care staff regarding court hearings, details of the court case, and other court related responsibilities.

OPEN CASES

All cases requiring ongoing services will be transferred to the local office CPS unit in the county where the family resides. To ensure services to the family are being completed timely and efficiently the following steps must occur:

- Timely notification and transfer to the ongoing CPS unit to coordinate efforts to initiate services for the family.
- A case conference must be conducted within five business days after determination of child abuse or neglect. The case conference should review needed services, safety plans, and monitoring to be provided to ensure child safety. The following should be included in the case conference:
 - •• The CPS-MIC caseworker.
 - •• The CPS-MIC supervisor.
 - •• The local office CPS ongoing caseworker.
 - The CPS supervisor for the CPS ongoing caseworker.
 - •• The BCHS/DCWL consultant, if applicable.
 - •• The Indian child's tribe, if applicable.

The local office CPS caseworker will be responsible for the implementation of services and any service agreements/family plans.

Family Team Meeting

The CPS-MIC caseworker and the CPS ongoing caseworker should coordinate with the family to schedule and prepare for the family team meeting (FTM). Both the CPS-MIC caseworker and the CPS ongoing caseworker must participate with the family team meeting (FTM), either in person, by phone, or virtually. For more information on the FTMs, see FOM 722-06B, Family Team Meeting.

PETITIONING THE COURT

In any case requiring a petition, the CPS-MIC caseworker will write the petition and ensure that all supporting documentation is completed as required by policy and the local court system.

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In instances of in-home jurisdiction, CPS-MIC will transfer the case to the local office CPS ongoing unit in the county of court jurisdiction.

POLICY CONTACT

Questions about this policy item may be directed to the Child-Welfare-Policy@michigan.gov.